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DPS GUIDELINES FOR EVALUTING CRIMINAL OFFENDER RECORD INFORMATION (CORI) REPORTS FOR THE LICENSURE OF OWNERS OF AMUSEMENT DEVICES

Effective September 9, 2005

I. Licensing Procedure

Under regulations recently promulgated by the Department of Public Safety (the Department), all individuals (applicants) seeking a license to operate amusement devices after January 1, 2006, will be required to consent to a criminal background check as a condition for licensure. Each applicant shall provide the Department with a CORI Request Form and a photocopy of a government-issued identification bearing a photograph of the applicant with the application for a license to operate.

After the Department has received the inquiry report from the CHSB, the Department will closely compare the report with the information on the CORI Request Form and the photocopy of the government-issued identification to ensure the record relates to the applicant. Upon the Department's satisfaction that the identifying information on the CHSB report is accurate as it relates to an applicant, the report will be utilized by the Department to determine the applicant's suitability for licensure.

II. Categories of licensure qualification based on CORI Reports

The Department has adopted three major categories of licensure qualification based on the information contained in a CORI report: no report, discretionary disqualification, and presumptive disqualification. The categories are based on offenses listed in Tables A-C, as appended to this document. Offenses which are the most serious are listed in Table A. For the purposes of evaluating Criminal Offender Record Information, the following terms and definitions shall apply:

No Record. A finding of "no record" indicates that the applicant has no record of offenses processed through the Massachusetts court system, therefore the applicant is suitable for licensure, barring other reasons for an adverse decision.

Discretionary Disqualification. An applicant may be initially ineligible for licensure based upon a conviction or pending charge for any of the crimes listed in Tables B or C unless the Department is convinced after consideration of mitigating factors that the applicant should be licensed.

Presumptive Disqualification. An applicant shall be ineligible for licensure based upon a conviction or pending charge for any of the crimes listed in Table A. The individual applicant shall remain presumptively and permanently disqualified for licensure except where the applicant is able to rebut the presumption of ineligibility. Ineligibility based upon a Table A offense may be challenged *only* by submitting clear and convincing evidence that the applicant is not likely to pose a risk of harm to children or vulnerable parties. Clear and convincing evidence of the applicant's appropriateness is an unequivocal statement(s) that the applicant poses no risk of harm, submitted by the applicant's probation officer, the prosecuting district attorney, or the judge that heard the Table A offense charge.

1. Presumptive Disqualification- Table A Offenses

Applicants with a presumptive disqualification based upon a conviction for an offense within Table A shall be deemed unsuitable for licensure and shall be immediately notified of the Department's determination based upon the inquiry. The Department will provide copies of both the report and the CHSB's *Information Concerning the Process in Correcting a Criminal Record*. Applicants may rebut evidence of the presumptive disqualification by submitting a letter of reference from one of the following individuals:

- a. the current probation officer;
- b. the district attorney responsible for prosecution of the disqualifying offense; or
- c. the judge presiding over the trial of the disqualifying offense.

Or

- d. other relevant and mitigating documentation.

A presumptive disqualification will only be overturned where letters of reference clearly and convincingly state that the applicant is highly unlikely to re-offend or pose a danger to vulnerable parties.

2. Discretionary Disqualification- Table B and C Offenses

Table B Offenses:

Applicants with a discretionary disqualification based upon a conviction for an offense within Table B may be deemed initially unsuitable for licensure. Applicants shall be notified of the Department's determination based upon the inquiry and shall be provided with copies of both the report and the CHSB's *Information Concerning the Process of Correcting Criminal Records*. Applicants may rebut evidence of a discretionary disqualification by submitting a letter of reference from one of the following individuals:

- a. the current probation officer;

- b. the district attorney responsible for prosecution of the offense for which the individual was found guilty;
- c. the judge presiding over the trial of the offense for which the individual was found guilty; or
- d. a treating mental health professional.

The Department will consider the letter of reference and other mitigating factors in making a determination of suitability. Other mitigating factors taken into consideration may include the following:

- 1) the time since conviction;
- 2) the age of the applicant at the time of the offense;
- 3) the nature of the work to be performed by the applicant;
- 4) the seriousness of the specific circumstances of the offense;
- 5) the number of offenses; and
- 6) any relevant evidence of rehabilitation or lack thereof.

Table C Offenses:

Applicants with a discretionary disqualification based upon a conviction for an offense within Table C may be deemed initially unsuitable for licensure pending further review of mitigating factors. Applicants shall be notified immediately of the Department's determination based upon the inquiry and shall be provided with copies of both the report and the CHSB's *Information Concerning the Process of Correcting Criminal Records*. Applicants may rebut evidence of a discretionary disqualification based on an offense included in Table C by submitting additional information which may include letters of reference from the current probation officer, prosecuting attorney, presiding judge and/or mental health professional, although such letters are not necessarily required. The Department will also consider the mitigating factors listed above.

The Department will consider all additional information received in a timely manner. The Department will notify the applicant of the licensure decision in a timely manner. If, after consideration of additional information, the Department determines that that an otherwise disqualified applicant is suitable for licensure, the Department will retain a written record of the basis for the decision.

Reports generated as the result of a criminal history inquiry will be appropriately secured for a period of three years from the date of request.

Offenses—Tables A-C

Table A (Presumptive Disqualification Offenses)	MGL
A&B, DANGEROUS WEAPON, VICTIM 60 AND OLDER	c.265 § 15A(a)
A&B CHILD W/ INJURY	c.265 §13J
A&B ON RETARDED PERSON	c.265 § 13F
ADMINISTERING DRUGS/SEX	c.272 § 3
ARMED ASSAULT W/INTENT TO MURDER OR ROB	c.265 § 18(b)
ARMED ASSAULT W/INTENT TO MURDER OR ROB, VICT 60+	c.265 § 18(a)
ARMED ASSAULT, DWELLING, W/FELONY INTENT	c.265 § 18A
ARMED CARJACKING	c.265 § 21A
ARMED ROBBERY	c.265 § 17
ASSAULT W/INTENT TO MURDER OR MAIM	c.265 § 15
ASSAULT W/INTENT TO RAPE	c.265 § 24
ASSAULT W/INTENT TO RAPE CHILD	c.265 § 24B
ATTEMPT ESCAPE OR ESCAPE BY PRISONER OR SEX/DANG	c.268 § 16
ATTEMPT TO MURDER	c.265 § 16
BURGLARY, ARMED	c.266 §14
BURNING DWELLING HOUSE	c.266 § 1
DISTRIBUTE CONTROLLED SUBSTAN, MINOR	c.94C § 32F
DISTRIBUTING OBSCENE PICTURES	c.272 § 28
ESCAPE BY PRISONER	c.268 § 16
EXHIBIT POSING CHILD	c.272 § 29A
EXTORTION	c.265 § 25
FUGITIVE FROM JUSTICE	c.276 § 20A
HOME INVASION	c.265 § 18C
INCEST	c.272 § 17
INDECENT A&B, CHILD 14 OR OVER	c.265 § 13H
INDECENT A&B, CHILD UNDER 14	c.265 §13B
INDECENT A&B, RETARDED PERSON	c.265 § 13F
INDECENT EXPOSURE	c.272 § 53
INDUCE MINOR TO PROSTITUTION	c.272 § 4A
INDUCE SEX, MINOR	c.272 § 4

INTIMIDATION OF WITNESS	c.268 § 13B
KIDNAPPING	c.265 § 26
MALICIOUS EXPLOSION	c.266 §101
MANSLAUGHTER, NEGLIGENCE (MINOR/CHILD)	c.265 § 13
MANSLAUGHTER	c.265 § 13
MANUFACTURE/DISTRIBUTE CLASS A SUBSTANCE	c.94C § 32
MAYHEM	c.265 §14
MFG/DIST/DISPENSE CL A W/IN 1000FT SCHOOL	c.94C § 32J
MURDER	c.265 § 1
PERJURY	c.268 § 1
RAPE	c.265 §22(b)
RAPE AGGRAVATED	c.265 § 22(a)
RAPE, STATUTORY	c.265 § 23
TRAFFICKING IN COCAINE	c.94C § 32E (b) (4)
TRAFFICKING IN HEROIN	c.94C § 32E (c) (4)
TRAFFICKING IN MARIJUANA	c.94C § 32E (a) (4)
UNNATURAL ACTS W/CHILD UNDER 16	c.272 § 35A
CONSPIRACY TO COMMIT ANY OF ABOVE OFFENSES	
ACCESSORY BEFORE ANY CRIME IN THIS CATEGORY	
ATTEMPTS TO COMMIT ANY CRIME IN THIS CATEGORY	
Table B	MGL
(Discretionary Disqualification Offenses)	
A& B DANGEROUS WEAPON	c.265 § 15A
A&B INTIMIDATION, RACE/COLOR/RELIGION	c.265 § 39(a)
ACCESSORY BEFORE FACT	c.274 § 2
ACCESSORY AFTER FACT(VARIABLE)	c.274 § 4
AID ESCAPE FROM CUSTODY	c.268 § 17
ASSAULT AND BATTERY	c.265 §13A
ASSAULT BY DANGEROUS WEAPON	c.265 § 15B(b)
ASSAULT BY DANGEROUS WEAPON, VICTIM 60 AND OLDER	c.265 § 15B(a)
ATTEMPT TO BURN DWELLING HOUSE	c.266 § 5A

ATTEMPT TO COMMIT CRIME (VARIABLE)	c.274 §6
ATTEMPTED EXTORTION	c.265 §25
BOMB SCARE	c.269 § 14
B&E DAY, INTENT COMM FELONY	c.266 § 18
B&E DAY, INTEND COMM FELONY, FEAR	c.266 § 17
B&E NIGHT, BLDG/SHIP/M/V, INTEND COMM FELONY	c.266 § 16
B&E TRUCK, INTEND COMM FELONY	c.266 § 20A
BEING PRESENT WHERE HEROIN KEPT	c.276 § 82A
BRIBERY OF A POLICE OFFICER	c.268A § 2
BURGLARY, UNARMED	c.266 § 15
BURNING BUILDING	c.266 §2
BURNING M/V OR PERSONAL PROPERTY	c.266 § 5
BURNING TO DEFRAUD INSURANCE CO.	c.266 § 10
CARRYING DANGEROUS WEAPON, COMMITTING FELONY	c.269 § 10(b)
CARRYING DANGEROUS WEAPON, SUB OFFENSE	c.269 § 10(d)
CARRYING LOADED RIFLE/SHOTGUN, PUBLIC WAY	c.269 § 12D
CIVIL RIGHTS VIOLATION, BODILY INJURY	c.265 § 37
COMPOUNDING FELONY	c.268 § 36
CONTRIBUTE DELINQUENCY CHILD	c.119 § 63
DELIVER ARTICLES TO INMATE	c.268 § 31
DELIVER DRUGS TO PRISONER	c.268 § 28
DERIVING SUPPORT FROM PROSTITUTE	c.272 § 7
DRUG PARAPHENELIA	c.94C § 32I(a)
ENTER W/O BRK, BLDG/SHIP/M/V, INT FEL , FEAR	c.266 § 17
ENTER W/O BRK, NIGHT, DWELL, INTEND COMM FELONY	c.266 § 18
ENTICE FEMALE, SEX, INTERCOURSE	c.272 § 2
ESCAPE, FURLOUGH	c.268 § 16
FALSE INFORMATION FOR GUN PERMIT	c.140 § 129
FORGERY, ALTER PRESCRIPTION	c.94C § 33(b)
INDUCE PROSTITUTION	c.272 § 6
INVOLUNTARY MANSLAUGHTER	c.265 § 13
KIDNAPPING MINOR BY RELATIVE	c.265 § 26A

KIDNAPPING MINOR BY RELATIVE, ENDANGER SAFETY	c.265 § 26A
LARCENY, BANK EMPLOYEE OR OFFICER	c.266 § 52
LARCENY, CONTROLLED SUBSTANCE, FROM AUTHORIZED PERSON	c.94C § 37
LARCENY FIREARM	c.266 § 30
LARCENY, PERSON	c.266 § 25
LARCENY, PERSON 65+	c.266 § 25
MANUFACTURE/DISTRIBUTE CLASS B SUBSTANCE	c.94C § 32A
MANUFACTURE/DISTRIBUTE CLASS C SUBSTANCE	c.94C § 32B
MANUFACTURE/DISTRIBUTE CLASS D SUBSTANCE	c.94C § 32C
MANUFACTURE/DISTRIBUTE/DISPENSE CLASS B SUBSTANCE	c.94C § 32A
MFG/DIST/DISPENSE CL B W/IN 1000FT SCHOOL	c.94C § 32J
M/V HOMICIDE, NEGLIGENCE OPERATION	c.90 § 24G(b)
M/V HOMICIDE, RECKLESS OPERATION	c.90 § 24G(b)
M/V HOMICIDE, UNDER INFLUENCE DRUGS, NEGLIGENCE OR RECKLESS	c.90 § 24G(a)
M/V HOMICIDE, UNDER INFLUENCE LIQUOR	c.90 § 24G(b)
M/V HOMICIDE, UNDER INFLUENCE LIQUOR, NEGLIGENCE OR RECKLESS	c.90 § 24G(b)
OPERATE M/V UNDER INFLUENCE, SERIOUS INJURY	c.90 § 24(1)(a)(1)
OPERATE M/V UNDER INFLUENCE, DRUGS, 3 RD OFFENSE	c.90 § 24(1)(a)(1)
OPERATE M/V UNDER INFLUENCE, LIQUOR, 3 RD OFFENSE	c.90 § 24
POSSESS BURGLARIOUS TOOLS	c.266 § 49
POSS CL A SUB W/INT TO DIST W/INT 1000FT SCHOOL	c.94C § 32J
POSS CL B SUB W/INT TO DIST W/INT 1000FT SCHOOL	c.94C § 32J
POSS CL B SUB W/INT TO DIST/MFG/CULT W/INT 1000FT SCHOOL	c.94C § 32J
POSSESS CLASS A SUBSTANCE	c.94C § 34
POSSESS CLASS A SUBSTANCE, INTENT TO DISTRIBUTE	c.94C § 32(a)

POSSESS CLASS B SUBSTANCE	c.94C §34
POSSESS CLASS B SUBSTANCE, INTENT TO DISTRIBUTE	c.94C § 32A(a)
POSSESS CLASS B SUBSTANCE, W/INTENT DIST/MFG	c.94C § 32A
POSSESS CLASS C SUBSTANCE, INTENT TO DISTRIBUTE	c.94C § 32B(a)
POSSESS CLASS C SUBSTANCE, SUB OFFENSE	c.94C §34
POSSESS CLASS D SUBSTANCE, INTENT TO DISTRIBUTE	c.94C § 32C(a)
POSSESS CLASS D SUBSTANCE, SUB OFFENSE	c.94C §34
POSS CLASS D SUB W/INT TO DIST W/INT 1000FT SCHOOL	c.94C §32J
POSSESS CLASS E SUBSTANCE, INTENT TO DISTRIBUTE	c.94C § 32D
POSSESS CONTROLLED SUB W/INTENT DISTRIB, SUB OFF	c.94C § 32(b)
POSSESS FIREARM W/O LICENSE	c.269 §10(h)
POSSESS FIREARM, SERIAL/ID NUM OBLIT	c.269 § 11C
POSSESS FIREARM, SERIAL/ID NUM OBLIT, COMM FELONY	c.269 § 11B
POSSESS INFERNAL MACHINE	c.266 § 102A
POSSESS MACHINE GUN W/O LICENSE	c.269 §10
POSSESS MACHINE GUN OR SAWED OFF SHOT GUN, SUB OFFENSE	c.269 § 10
POSSESS MATTER HARMFUL MINOR	c.272 § 28
POSSESS M/V MASTER KEY	c.266 § 49
POSSESSION SHOTGUN, BARREL UND 18 "SAWED OFF".	c.269 § 10C
POSSESS SHOTGUN, BARREL UND 18 "SAWED OFF, SUB OFF	c.269 § 10D
RECEIVE/BUY STOLEN M/V	c.266 § 28(a)
SELL AMMUNITION W/O LICENSE	c.140 § 122B
SELL OBSCENE LITERATURE, UNDER 18	c.272 § 28
SELL FIREARM W/O LICENSE	c.140 § 128
THREAT BY ATTEMPTED EXTORTION	c. 265, §25
THREAT BY INTIMIDATION OF WITNESSES, JURORS, AND PERSONS FURNISHING INFORMATION IN CONNECTION WITH A	c. 268, §13B

CRIMINAL MATTER	
THREAT OF STEALING BY CONFINING OR PUTTING IN FEAR	c. 265, §21
THROW EXPLOSIVES	c.266 § 102
TRAFFICKING IN COCAINE W/ IN 1000FT SCHOOL	c.94C § 32J
TRAFFICKING IN HEROIN W/ IN 1000FT SCHOOL	c.94C § 32J
TRAFFICKING IN MARIJUANA W/ IN 1000FT SCHOOL	c.94C § 32J
UNARMED ASSAULT, INTENT TO ROB	c.265 § 20
UNARMED ROBBERY	c.265 § 19(b)
UNARMED ROBBERY, VICTIM 60+	c.265 § 19(a)
UNLAWFUL POSSESSION, BOMB	c.148 § 35
UNLAWFUL POSSESSION, FIREARM, COMMISSION FELONY	c.265 § 18B
UNLAWFULLY PLACE EXPLOSIVES	c.266 § 102
UNNATURAL ACTS	c.272 § 35
UTTER FALSE PRESCRIPTION	c.94C § 33
VANDALIZE CHURCH/SYNAGOGUE/CEMETERY	c.266 § 127A
VANDALIZE SCHOOL/CHURCH/EDUCATIONAL BLDG	c.266 § 98
VIOLATE DOMESTIC PROTECTIVE ORDER	c.208 § 34C
VIOLATE STALKING LAW	c.265 § 43(a)
VIOLATION OF PROTECTIVE ORDER (209A)	c.209A § 7
CONSPIRACY TO COMMIT ANY OF ABOVE OFFENSES	
ATTEMPTS TO COMMIT ANY CRIME IN THIS CATEGORY	
ACCESSORY BEFORE ANY CRIME IN THIS CATEGORY	
Table C (Discretionary Disqualification Offenses)	
A&B	MGL
A&B ON PUBLIC SERVANT	c.265 § 13A
A&B ON POLICE OFFICER	c.265 § 13D
A&B OR ASSAULT ON CORRECTIONAL OFFICER	c.265 § 13D

ABANDON W/O SUPPORT OF SPOUSE, OR MINOR CHILD	c.127 § 38B
ABANDON M/V	c.273 § 1(1)
ACOSTING	c.90 § 22B
ADULTERATION ALCOHOLIC BEVERAGE	c.272 § 53
AFFRAY	c.138 § 16
ALIEN IN POSSESS OF FIREARM	c.272 § 53
ANNOYING PHONE CALLS	c.140 § 131H
ASSAULT	c.269 § 14A
ATTEMPT TO INJURE DEPOSITORY OF VALUABLES	c.265 § 13A
B&E, INTEND TO COMM MISDEMEANOR	c.266 § 16
B&E RAILROAD CAR	c.266 § 16A
B&E RECOGNIZANCE VIOLATION	c.266 § 19
CIVIL RIGHTS VIOLATION, NO BODILY INJURY	c.94C § 35
CREDIT CARD, LARCENY OF	c.265 § 37
CRUELTY TO ANIMALS	c.266 § 37B
DISCHARGING FIREARM, 500FT	c.272 § 77
DISCHARGING WEAPON NEAR HIGHWAY/DWELL, HUN	c.269 § 12E
DISPENSE CONTROLLED SUBSTANCE, NOT REGISTERED	c.131 § 58
DISTRIBUTE CONTROLLED, SUBSTAN W/O PRESCRIPTION	c.94C § 25
ENGAGING IN SEX, PROSTITUTION, "JOHN"	c.94C § 25(1)
ENTER W/O BRK, TRUCK, INTEND COMM FELONY	c.272 § 53A
FAIL TO KEEP RECORDS ON CONTROLLED SUBSTANCE	c.266 § 20A
GAMING, IMPLEMENTS FOUND PRESENT, MANAGER	c.94C § 15
GAMING, IMPLEMENTS FOUND PRESENT, OWNER	c.271 § 17
HOUSE OF ILL FAME	c.271 § 17
ILLEGAL POSSESS CLASS C SUBSTANCE	c.272 § 24
ILLEGAL POSSESS CLASS D SUBSTANCE	c.94C § 34
ILLEGAL POSSESS CLASS E SUBSTANCE	c.94C § 34
INDECENT EXPOSURE	c.94C § 34
LARCENY BY CHECK	c.272 § 53

LARCENY MORE	c.266 § 37
LARCENY IN BLDG, SHIP, VESSEL, OR RR CAR	c.266 §30
LARCENY IN TRUCK/TRAILER	c.266 § 20
LARCENY, M/V OR TRAILER	c.266 § 20B
LEAVE COMM W/O SUPPORT MINOR CHILD OUT OF WDLOCK	c.266 § 28
LEAVE COMM W/O SUPPORT OF SPOUSE & MINOR CHILD	c.273 § 15
LEAVE SCENE AFTER PERSONAL INJURY, M/V	c.273 § 1
LEWD & LASCIVIOUS SPEECH & BEHAVIOR	c.90 § 24(2)(a1/2)(1)
MALICIOUS DESTRUC, PERS/REAL PROP, OVER \$250	c.272 § 53
MANUFACTURE/DISTRIBUTE CLASS E SUBSTANCE	c.266 § 127
NON-SUPPORT OF MINOR CHILD OUT OF WEDLOCK	c.94C § 32D(a)
NON-SUPPORT OF MINOR CHILD(REN)	c.273 § 15
OBSCENE TELEPHONE CALLS	c.273 §1
OBSTRUCT JUSTICE	c.269 § 14A
OPEN & GROSS LEWDNESS	c.268 § 34
OPERATE M/V AFTER LICENSE REVOKED FOR DRUNK DRIVING	c.272 § 16
OPERATE M/V UNDER INFLUENCE, DRUGS	c.90 § 23
OPERATE M/V UNDER INFLUENCE, LIQUOR	c.90 § 24(1)(a)(1)
OPERATING M/V UNDER INFLUENCE, LIQUOR SECOND AND SUBSEQUENT OFFENSES	c. 90, §24
OPERATING M/V W/ SUSPENDED OR REVOKED LICENSE	c. 90, §23
POSSESS ALTERED FID CARD	c.90 § 24
POSSESS COUNTERFEIT SUBS W/INTENT DISTRIBUTE	c.140 § 131I
POSSESS DANGEROUS WEAPON UNLAWFULLY	c.94C § 32G
POSSESS HYPODERMIC SYRINGE OR NEEDLE	c.269 § 10(b)
POSSESS OBSCENE "PORNOGRAPHIC" MATERIAL	c.94C § 27
PROCURE LIQUOR FOR MINOR	c.272 § 29
PROSTITUTION	c.138 § 34
RECEIVE STOLEN PROPERTY, OVER 250	c.272 § 53A
RIOT	c.266 § 60

SELL/DELIVER ALCOHOLIC BEVERAGES PERSON UNDER 21	c.269 § 1
SOLICITING PROSTITUTE	c.138 § 34
SHOPLIFTING, 3 RD OR SUB OFFENSE	c.272 § 8
SODOMY	c.266 § 30A
TAKING M/V W/O AUTHORITY, STEAL PARTS	c.272 § 34
TELECOMMUNICATIONS FRAUD	c.266 § 28
UNAUTHORIZED USE, CREDIT CARD, OVER \$250	c.166 § 42A
UNLAWFUL POSSESSION, SHOTGUN	c.266 § 37C
UNLAWFULLY OBTAIN CONTROLLED SUBSTANCE	c.140 § 129C
USE M/V, COMMISSION OF FELONY	c.94C § 33
UTTER FORGED INSTRUMENT	c.90 § 24(2)(a)
VIOLATE SUPPORT ORDER	c.267 § 5
VIOLATE SUPPORT ORDER, MINOR CHILD OUT OF WDLOCK	c.273 §1
WANTON DESTRUCTION, PERS/REAL PROPERTY	c.273 § 15
WILLFULLY & MALICIOUSLY BURN M/V	c.272 § 73
WILLFULLY & MALICIOUSLY KILL BEAST	c.266 § 127
CONSPIRACY TO COMMIT ANY OF ABOVE OFFENSES	c.266 §112
ATTEMPTS TO COMMIT ANY CRIME IN THIS CATEGORY	
ACCESSORY BEFORE ANY CRIME IN THIS CATEGORY	